

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Ognjen Zivojnovic (Bar No. 307801)

2 ogizivojnovic@quinnemanuel.com

3 50 California Street, 22nd Floor

San Francisco, California 94111-4788

4 Telephone: (415) 875-6600

Facsimile: (415) 875-6700

5 Michael D. Bonanno (*pro hac vice* pending)

mikebonanno@quinnemanuel.com

6 1300 I Street NW, Suite 900

7 Washington, D.C. 20005

Telephone: (202) 538-8000

8 Facsimile: (202) 538-8100

9 *Attorneys for NVIDIA Corporation*

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 vs.

17 MICROSOFT CORP.

18 and

19 ACTIVISION BLIZZARD, INC.,

20 Defendants.

CASE NO. 3:23-cv-2880

**DECLARATION OF AASHISH PATEL IN
SUPPORT OF NVIDIA CORPORATION'S
STATEMENT IN SUPPORT OF SEALING
REGARDING PLAINTIFF'S
ADMINISTRATIVE MOTIONS TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED (ECF NOS. 132 & 183)**

The Honorable Jacqueline Scott Corley

Declaration of Aashish Patel

I, Aashish Patel, declare as follows:

1. I am Senior Director, GeForce NOW, NVIDIA Corporation (“NVIDIA”) and work on the GeForce NOW business, including analytics and capacity. I have knowledge of the facts set forth in this declaration.

2. Pursuant to Local Rule 79-5, I submit this declaration in support of NVIDIA’s statement in support of sealing portions of the FTC’s reply and the FTC’s exhibit list.

3. The following portions of the FTC’s reply describe sensitive business information concerning NVIDIA’s cloud gaming business, GeForce NOW, including NVIDIA’s negotiations with a potential business partner: the sentence located on Lines 15–18 of Page 11 that is followed by a citation to PX8000-009-010.

4. PX3113 is an email that I described in my declaration dated June 21, 2023. The description of this email in the FTC’s exhibit list contains the names of three NVIDIA employees as well as an internal NVIDIA email address.

5. PX3117 is an email that I described in my declaration dated June 21, 2023. The description of this email in the FTC’s exhibit list contains the names of three NVIDIA employees as well as an internal NVIDIA email address. Further, the description of the email subject reflects sensitive business information regarding GeForce Now, including NVIDIA’s business negotiations and strategy regarding a particular game.

6. PX3123 is an email that I described in my declaration of June 21, 2023. The description of this email in the FTC’s exhibit list contains the names of three NVIDIA employees as well as an internal NVIDIA email address.

7. PX3153 is an email that I described in my declaration of June 21, 2023. The description of this email in the FTC’s exhibit list contains the names of three NVIDIA employees.

8. PX3157 is an email that I described in my declaration of June 21, 2023. The description of this email in the FTC’s exhibit list contains the names of two NVIDIA employees.

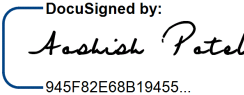
9. Information about NVIDIA’s business negotiations and strategy is highly confidential. NVIDIA keeps this information secret. Information about GeForce NOW strategy are

1 not shared outside of NVIDIA. Information regarding plans for launching games on GeForce NOW
2 may be shared with publishers and other business partners, but only under non-disclosure
3 agreements. Information about licensing agreements is not shared outside of NVIDIA, other than
4 with the other party to the licensing agreement.

5 10. NVIDIA would be harmed by public disclosure of this highly confidential
6 information. The market for streaming video games is competitive and rapidly growing, with
7 several existing competitors and many potential participants. Both current and potential competitors
8 could use the highly confidential information, which reveals NVIDIA's business performance,
9 strategy, and business decision-making to gain an unfair advantage in the marketplace.

10 11. I declare under penalty of perjury under the laws of the United States of America that
11 the foregoing is true and correct and that this declaration was executed on June 26, 2023 in San
12 Francisco, California.

13 DATED: June 26, 2023

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15 By  945F82E68B19455...
16 AASHISH PATEL